

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 3-:05-CV-035

**UNITED STATES CURRENCY IN THE
AMOUNT OF \$122,380.00, et al.,**

Judge Thomas M. Rose

Defendants.

**ENTRY AND ORDER DISMISSING WESLEY RAY BAKER'S CLAIM
FOR LACK OF PROSECUTION AND FINDING THE USA'S MOTION
TO STRIKE (Doc. #36) MOOT**

This is a civil forfeiture action filed by the United States of America pursuant to 21 U.S.C. §881(a)(4). In this action, the United States seeks forfeiture of United States currency and a Cadillac automobile.

Wesley Ray Baker submitted a claim for U.S. Currency in the amounts of \$3,330.00 and \$122,380.00 and the 1994 Cadillac Deville. (Doc. #10.) Wesley Ray Baker subsequently died. (Doc. #18.)

On April 14, 2008, Wesley Ray Baker's estate was given thirty (30) days to file a claim. If not, the claim made by Wesley Ray Baker would be dismissed for lack of prosecution.

The thirty (30) days has now expired and Wesley Ray Baker's estate has not filed a claim. Therefore, Wesley Ray Baker's claim is hereby DISMISSED for lack of prosecution. Further, the Motion To Strike the Claim of Wesley Ray Baker (doc. #36) filed by the United States is MOOT.

DONE and **ORDERED** in Dayton, Ohio, this Twenty-First day of May, 2008.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record